



1734

ATTORNEY DOCKET NO.: 2006636-0039

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** M. Gonda, *et al.* **Examiner:** NYA  
**Serial No:** 10/508,965 **Group Art Unit:** 1734  
**Filing Date:** April 11, 2005  
**Corresp. to:** PCT/US03/08611  
**Int. Filing Date:** March 20, 2003  
**Title:** Recombinant Expression Vectors for Functional Nav 1.9 Sodium Channels

**Certificate of Mailing**

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 21, 2007

Date

Signature *Aveline*

Beatrice M. Aveline, Ph.D.

Typed or Printed Name of person signing certificate

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL LETTER**

Enclosed are the following documents:

1. Form PTO-1449 (1 page);
2. Information Disclosure Statement (6 pages);
3. Cited Art (1); and
4. Return Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721

Respectfully submitted,

Dated: May 21, 2007

*Brenda Herschbach Jarrell*  
Brenda Herschbach Jarrell, Ph.D.  
Reg. No.: 39,223

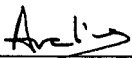
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May 21, 2007 Date	 _____ Signature
Beatrice M. Aveline, Ph.D. _____ Typed or Printed Name of person signing certificate	

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT FILED PURSUANT TO THE  
DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

**Type of Statement**

The present Information Disclosure Statement is:

- ☐ An original Information Disclosure Statement; or
- ☒ A ***supplemental*** Information Disclosure Statement.

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
  - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
  - ☒ Before the mailing of a first Office action on the merits; or
  - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
- ☐ Certifies that *either*:
    - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
    - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the

knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; or

☐ Includes herewith the fee set forth in § 1.17(p).

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; and

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with a \* is included;
- ☐ Copies of references indicated with a † on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided/cited to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Does contain non-English language citations, of which an English language translation of the Abstract for each is provided herein:
- ☐ Includes one or more translations of a non-English citation.

## Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

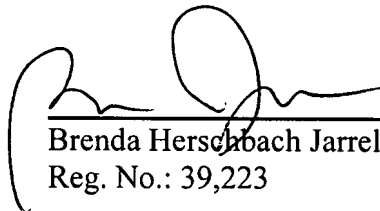
It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Dated: May 21, 2007



Brenda Herschbach Jarrell, Ph.D.  
Reg. No.: 39,223

CHOATE, HALL & STEWART, LLP  
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Two International Place  
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Tel: 617-248-5000  
Fax: 617-248-4000



<b>Form PTO-1449</b> <b>(REV. 8-83)</b>		U.S. Department of Commerce Patent and Trademark Office		Attorney Docket 2006636-0039		In re Application No. 10/508,965	
<b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				Applicant: M. Gonda, <i>et al.</i>			
				Filing Date: April 11, 2005		Group: 1734	
<b>U.S. PATENT DOCUMENTS</b>							
Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass		
<b>U.S. PATENT APPLICATIONS</b>							
Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:		
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner's Initials	Document No.	Country	International Publication Date	Translation			
				Yes	No		
<b>OTHER DOCUMENTS</b>							
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)						
	D. Sulayman <i>et al.</i> , "Coding Sequence, Genomic Organization, and Conserved Chromosomal Localization of the Mouse Gene Scn11a Encoding the Sodium Channel NaN", <i>Genomics</i> , 1999, 59: 309-3018						
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to t applicant.							